

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5491 of 2024

Arising Out of PS. Case No.-273 Year-2024 Thana- JOGAPATTI District- West Champaran

1. Umesh Prasad S/o Nandlal Sah R/o vill - Dumari, P.S. - Yogapatti, Distt.- West Champaran
2. Gulgul Prasad @ Shiwsagar Kumar S/o Nandlal Sah R/o vill - Dumari, P.S. - Yogapatti, Distt.- West Champaran
3. Nandlal Sah @ Nand Lal Prasad S/o Late Kedar Sah R/o vill - Dumari, P.S. - Yogapatti, Distt.- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarswati Devi D/o Late Mukh Lal Ram R/o vill - Dumari, P.S. - Yogapatti, Distt.- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 10-11-2025 Heard learned counsel for the appellants, learned Spl.
P.P. for the State and counsel for the Informant.

2. This appeal is preferred against the order dated 18.11.2024 passed by the learned Addl. Sessions Judge-1-cum-Spl. Judge (SC/ST, Act) Bettiah, West Champaran passed in ABP No. 2641 of 2024, in connection with Yogapatti P.S. Case No. 273 of 2024, registered under Sections 126(2), 115(2), 74, 303(2), 3(5) of Bharatiya Nyay Sanhita and under Section 3(1)(i), 3(1)(r), 3(1)(s) of the S.C./ S.T. Act, by which the prayer for Anticipatory bail of the Appellants has been rejected.



3. As per the prosecution case, the allegation against the appellants is that they have assaulted the informant and her other family members and also threatened them by caste name.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the main thrust of allegation is because of a trivial dispute and not because of prosecution side belonging to the SC/ST community, therefore not even a prima facie case is made out and consequently, this application for anticipatory bail is maintainable. He relies upon the Judgment of the Hon'ble Supreme Court in the case of *Kiran Vs. Rajkumar Jivraj Jain and Anr.* reported in *2025 INSC 1067* and in the case of *Hitesh Verma Vs. State of Uttarakhand* reported in *(2020) 10 SCC 710*.

5. Learned counsel for the State and the informant have opposed the prayer of the appellants for grant of bail.

6. I have considered the submissions of the parties and perused the materials on record.

7. From reading of the F.I.R., it appears that the



occurrence has taken place on account of land dispute between the parties and it does not appear that offence has been committed against the informant on the ground that he is a member of S.C./S.T. community.

8. Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of *Kiran vs. Rajkumar Jivraj Jain and Anr. (Supra)* and in the case of *Hitesh Verma Vs. State of Uttarakhand (supra)*, this application for grant of anticipatory bail is held to be maintainable.

9. Having considered the submissions of the parties and also considering the facts of the case, this appeal is allowed. Accordingly, the order dated 18.11.2024 passed by the learned Addl. Sessions Judge-1-cum-Spl. Judge (SC/ST, Act) Bettiah, West Champaran passed in ABP No. 2641 of 2024, in connection with Yogapatti P.S. Case No. 273 of 2024, is hereby set aside.

10. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-1-cum-Spl. Judge (SC/ST,



Act) Bettiah, West Champaran, in connection with Yogapatti
P.S. Case No. 273 of 2024, subject to the conditions laid down
under Section 438(2) of the Code of Criminal Procedure/482(2)
of the BNSS.

(Sandeep Kumar, J)

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